B. Review Other Requirements and Existing Facility Plans

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this General Permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

IV. Site Map

The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

TABLE A
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS

PLANNING AND ORGANIZATION
Form Pollution Prevention Team Review other plans

ASSESSMENT PHASE
Develop a site map Identify potential pollutant sources Inventory of materials and chemicals List significant spills and leaks Identify non-storm water discharges Assess pollutant risks

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE
Non-structural BMPs Structural BMPs Select activity and site-specific BMPs

IMPLEMENTATION PHASE

Train employees
Implement BMPs
Conduct recordkeeping and reporting

EVALUATION / MONITORING

Conduct annual site evaluation
Review monitoring information
Evaluate BMPs
Review and revise SWPPP

The following information shall be included on the site map:

A. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.

B. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

C. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

D. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section A.6.a.iv. below have occurred.

E. Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

V. List of Significant Materials

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials

shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

VI. Description of Potential Pollutant Sources

A. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in Section A.4.e above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

1. **Industrial Processes.** Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

2. **Material Handling and Storage Areas.** Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

3. **Dust and Particulate Generating Activities.** Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

4. **Significant Spills and Leaks.** Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (USEPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

   The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Permit.

5. **Non-Storm Water Discharges.** Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this

investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges (other boiler blowdown and boiler condensate permitted under the Order) that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D of the storm water general permit are prohibited by this Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D of the general storm water permit are authorized by this Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

6. **Soil Erosion.** Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

B. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with Section A.8. below.

VII. Assessment of Potential Pollutant Sources

A. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in A.6. above to determine:

1. Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and

2. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.

B. Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in Section 8 below.

VIII. Storm Water Best Management Practices

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections A.6. and 7. above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

TABLE B

EXAMPLE
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES
SUMMARY

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery. Spills caused by topping off fuel tanks. Hosing or washing down fuel oil fuel area. Leaking storage tanks. Rainfall running off fuel oil, and rainfall running onto and off fueling area.	fuel oil	Use spill and overflow protection. Minimize run-on of storm water into the fueling area. Cover fueling area. Use dry cleanup methods rather than hosing down area. Implement proper spill prevention control program. Implement adequate preventative maintenance program to preventive tank and line leaks. Inspect fueling areas regularly to detect problems before they occur. Train employees on proper fueling, cleanup, and spill response techniques.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

A. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional

structural BMPs (see Section A.8.b. below). Below is a list of non-structural BMPs that should be considered:

1. **Good Housekeeping.** Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.

2. **Preventive Maintenance.** Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

3. **Spill Response.** This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

4. **Material Handling and Storage.** This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

5. **Employee Training.** This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

6. **Waste Handling/Recycling.** This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

7. **Recordkeeping and Internal Reporting.** This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

8. **Erosion Control and Site Stabilization.** This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

9. **Inspections.** This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

10. **Quality Assurance.** This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

B. Structural BMPs.

Where non-structural BMPs as identified in Section A.8.a. above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

1. **Overhead Coverage.** This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

2. **Retention Ponds.** This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.

3. **Control Devices.** This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

4. **Secondary Containment Structures.** This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.

5. **Treatment.** This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

IX. Annual Comprehensive Site Compliance Evaluation

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

A. A review of all visual observation records, inspection records, and sampling and analysis results.

B. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.

C. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

D. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in Section A.10.e, for implementing SWPPP revisions, (v) any

incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions V.D.5 of Attachment D.

X. SWPPP General Requirements

A. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.

B. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this Section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.

C. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.

D. The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this Permit.

E. When any part of the SWPPP is infeasible to implement due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.

F. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under Section 308(b) of the Clean Water Act.

ATTACHMENT H – STATE WATER BOARD MINIMUM LEVELS

The Minimum Levels (MLs) in ppb (µg/L) in this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the State Water Board and become effective. The following tables (Tables 2a - 2d) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, and pesticides and PCBs.

Table 2a - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	1
Trans-1,2 Dichloroethylene	0.5	2
Trichloroethene	0.5	2
Vinyl Chloride		

*The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		
1,3 Dichlorobenzene (semivolatile)	2	1		

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
1,4 Dichlorobenzene (semivolatile)	2	1		
2 Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3' Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,i)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso -di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	
Phenol **	1	1		50
Pyrene		10	0.05	

* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

** Phenol by colorimetric technique has a factor of 1.

Table 2c – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2d – PESTICIDES – PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5

Table 2d – PESTICIDES – PCBs*	GC
PCB 1260	0.5
Toxaphene	0.5

* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

Techniques:

GC - Gas Chromatography
GCMS - Gas Chromatography/Mass Spectrometry
HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)
LC - High Pressure Liquid Chromatography
FAA - Flame Atomic Absorption
GFAA - Graphite Furnace Atomic Absorption
HYDRIDE - Gaseous Hydride Atomic Absorption
CVAA - Cold Vapor Atomic Absorption
ICP - Inductively Coupled Plasma
ICPMS - Inductively Coupled Plasma/Mass Spectrometry
SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)
DCP - Direct Current Plasma
COLOR – Colorimetric

ATTACHMENT I – LIST OF PRIORITY POLLUTANTS

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
1	Antimony	7440360	1
2	Arsenic	7440382	1
3	Beryllium	7440417	1
4	Cadmium	7440439	1
5a	Chromium (III)	16065831	1
5a	Chromium (VI)	18540299	1
6	Copper	7440508	1
7	Lead	7439921	1
8	Mercury	7439976	1
9	Nickel	7440020	1
10	Selenium	7782492	1
11	Silver	7440224	1
12	Thallium	7440280	1
13	Zinc	7440666	1
14	Cyanide	57125	1
15	Asbestos	1332214	1
16	2,3,7,8-TCDD	1746016	1
17	Acrolein	107028	1
18	Acrylonitrile	107131	1
19	Benzene	71432	1
20	Bromoform	75252	1
21	Carbon Tetrachloride	56235	1
22	Chlorobenzene	108907	1
23	Chlorodibromomethane	124481	1
24	Chloroethane	75003	1
25	2-Chloroethylvinyl Ether	110758	1
26	Chloroform	67663	1
27	Dichlorobromomethane	75274	1
28	1,1-Dichloroethane	75343	1
29	1,2-Dichloroethane	107062	1
30	1,1-Dichloroethylene	75354	1
31	1,2-Dichloropropane	78875	1
32	1,3-Dichloropropylene	542756	1
33	Ethylbenzene	100414	1
34	Methyl Bromide	74839	1
35	Methyl Chloride	74873	1
36	Methylene Chloride	75092	1
37	1,1,2,2-Tetrachloroethane	79345	1
38	Tetrachloroethylene	127184	1
39	Toluene	108883	1
40	1,2-Trans-Dichloroethylene	156605	1
41	1,1,1-Trichloroethane	71556	1
42	1,12-Trichloroethane	79005	1
43	Trichloroethylene	79016	1
44	Vinyl Chloride	75014	1

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
45	2-Chlorophenol	95578	1
46	2,4-Dichlorophenol	120832	1
47	2,4-Dimethylphenol	105679	1
48	2-Methyl-4,6-Dinitrophenol	534521	1
49	2,4-Dinitrophenol	51285	1
50	2-Nitrophenol	88755	1
51	4-Nitrophenol	100027	1
52	3-Methyl-4-Chlorophenol	59507	1
53	Pentachlorophenol	87865	1
54	Phenol	108952	1
55	2,4,6-Trichlorophenol	88062	1
56	Acenaphthene	83329	1
57	Acenaphthylene	208968	1
58	Anthracene	120127	1
59	Benzidine	92875	1
60	Benzo(a)Anthracene	56553	1
61	Benzo(a)Pyrene	50328	1
62	Benzo(b)Fluoranthene	205992	1
63	Benzo(ghi)Perylene	191242	1
64	Benzo(k)Fluoranthene	207089	1
65	Bis(2-Chloroethoxy)Methane	111911	1
66	Bis(2-Chloroethyl)Ether	111444	1
67	Bis(2-Chloroisopropyl)Ether	108601	1
68	Bis(2-Ethylhexyl)Phthalate	117817	1
69	4-Bromophenyl Phenyl Ether	101553	1
70	Butylbenzyl Phthalate	85687	1
71	2-Chloronaphthalene	91587	1
72	4-Chlorophenyl Phenyl Ether	7005723	1
73	Chrysene	218019	1
74	Dibenzo(a,h)Anthracene	53703	1
75	1,2-Dichlorobenzene	95501	1
76	1,3-Dichlorobenzene	541731	1
77	1,4-Dichlorobenzene	106467	1
78	3,3'-Dichlorobenzidine	91941	1
79	Diethyl Phthalate	84662	1
80	Dimethyl Phthalate	131113	1
81	Di-n-Butyl Phthalate	84742	1
82	2,4-Dinitrotoluene	121142	1
83	2,6-Dinitrotoluene	606202	1
84	Di-n-Octyl Phthalate	117840	1
85	1,2-Diphenylhydrazine	122667	1
86	Fluoranthene	206440	1
87	Fluorene	86737	1
88	Hexachlorobenzene	118741	1
89	Hexachlorobutadiene	87863	1
90	Hexachlorocyclopentadiene	77474	1

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
91	Hexachloroethane	67721	1
92	Indeno(1,2,3-cd)Pyrene	193395	1
93	Isophorone	78591	1
94	Naphthalene	91203	1
95	Nitrobenzene	98953	1
96	N-Nitrosodimethylamine	62759	1
97	N-Nitrosodi-n-Propylamine	621647	1
98	N-Nitrosodiphenylamine	86306	1
99	Phenanthrene	85018	1
100	Pyrene	129000	1
101	1,2,4-Trichlorobenzene	120821	1
102	Aldrin	309002	1
103	alpha-BHC	319846	1
104	beta-BHC	319857	1
105	gamma-BHC	58899	1
106	delta-BHC	319868	1
107	Chlordane	57749	1
108	4,4'-DDT	50293	1
109	4,4'-DDE	72559	1
110	4,4'-DDD	72548	1
111	Dieldrin	60571	1
112	alpha-Endosulfan	959988	1
113	beta-Endosulfan	33213659	1
114	Endosulfan Sulfate	1031078	1
115	Endrin	72208	1
116	Endrin Aldehyde	7421934	1
117	Heptachlor	76448	1
118	Heptachlor Epoxide	1024573	1
119	PCB-1016	12674112	1
120	PCB-1221	11104282	1
121	PCB-1232	11141165	1
122	PCB-1242	53469219	1
123	PCB-1248	12672296	1
124	PCB-1254	11097691	1
125	PCB-1260	11096825	1
126	Toxaphene	8001352	1

1. Pollutants shall be analyzed using the methods described in 40 CFR Part 136

ATTACHMENT J – SUMMARY OF REASONABLE POTENTIAL ANALYSIS

Fact Sheet Attachment J
Ultramar, Inc., Olympic Tank Farm
Draft Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CTR#	Parameters	Units	CV	MEC	CTR Water Quality Criteria (ug/L)						REASONABLE POTENTIAL ANALYSIS (RPA)									
					Freshwater		Saltwater		Human Health for consumption of:											
					C acute = CMC tot	C chronic = CCC tot	C acute = CMC tot	C chronic = CCC tot	Water & organisms	Organisms only	Lowest C	MEC >= Lowest C	Tier 1 - Need limit?	B Available (Y/N)?	Are all B data points non-detects (Y/N)?	If all data points ND Enter the min detection limit (MDL)	Enter the pollutant B detected max conc (ug/L)	If all B is ND, is MDL>C?	If B>C, effluent limit required	Tier 3 - other info. ?	RPA Result - Need Limit?
1	Antimony	ug/L		0.18						4300.00	4300.00	No	No	Y	N		1.6		B<=C, Step 7		No
2	Arsenic	ug/L	0.835	61.1	340.00	150.00	69.00	36.00			36.00	Yes	Yes	Y	N		23.4		B<=C, Step 7		Yes
3	Beryllium	ug/L		No Criteria						Narrative	No Criteria	No Criteria	No Criteria	Y	N		0.445		No Criteria	No Criteria	Uc
4	Cadmium	ug/L		3	21.58	7.31	42.25	9.36		Narrative	7.31	No	No	Y	N		2.7		B<=C, Step 7		No
5a	Chromium (III)			80.7	5404.62	644.20				Narrative	644.20	No	No	Y	N		9.66		B<=C, Step 7		No
5b	Chromium (VI)	ug/L		0.58	16.29	11.43	1107.75	50.35		Narrative	11.43	No	No	Y	N		6.4		B<=C, Step 7		No
6	Copper	ug/L	1.289	131	51.68	30.50	5.78	3.73			3.73	Yes	Yes	Y	N		18.2		Limit required, B>C & pollutan		Yes
7	Lead	ug/L	1.315	1070	476.82	18.58	220.82	8.52		Narrative	8.52	Yes	Yes	Y	N		23.8		Limit required, B>C & pollutan		Yes
8	Mercury	ug/L	0.6	1.34	Reserved	Reserved	Reserved	Reserved			0.051	Yes	Yes	Y	Y	0.067		Y	No detected value of B, Step 7		Yes
9	Nickel	ug/L	1.688	72.7	1515.92	168.54	74.75	8.28		4600.00	8.28	Yes	Yes	Y	N		3.08		B<=C, Step 7		Yes
10	Selenium	ug/L	0.6	3.3	20.00	5.00	290.58	71.14		Narrative	5.00	No	No	Y	N		15.3		Limit required, B>C & pollutan		No
11	Silver	ug/L		0.08	44.05		2.24				2.24	No	No	Y	N		1.33		B<=C, Step 7		No
12	Thallium	ug/L		0.075							6.30	No	No	Y	N		2.84		B<=C, Step 7		No
13	Zinc	ug/L	1.121	1200	387.83	387.83	95.14	85.62		6.30	6.30	No	No	Y	N		145		Limit required, B>C & pollutan		Yes
14	Cyanide	ug/L		0.0037	22.00	5.20	1.00	1.00			85.62	Yes	Yes	Y	Y	24		Y	No detected value of B, Step 7		No
15	Asbestos	Fibers/L		No Criteria						220000.00	1.00	No	No	Y					No Criteria	No Criteria	Uc
16	2,3,7,8 TCDD	ug/L									No Criteria	No Criteria	No Criteria	N					B>C & no eff data		ud
17	Acrolein	ug/L		4.6						##########	0.000000014			Y	N		0.00000441		No Criteria		No
18	Acrylonitrile	ug/L								780	780	No	No	Y	Y	8.7		N	No detected value of B, Step 7		No
19	Benzene	ug/L		0.093						0.66	0.660			Y	Y	2.1		Y	No detected value of B, Step 7		No
20	Bromoform	ug/L		0.32						71	71.0	No	No	Y	Y	0.17		N	No detected value of B, Step 7		No
21	Carbon Tetrachloride	ug/L		0.28						360	360.0	No	No	Y	Y	0.16		N	No detected value of B, Step 7		No
22	Chlorobenzene	ug/L		0.19						4.4	4.40	No	No	Y	Y	0.1		N	No detected value of B, Step 7		No
23	Chlorodibromomethane	ug/L		0.28						21000	21000	No	No	Y	Y	0.15		N	No detected value of B, Step 7		No
24	Chloroethane	ug/L		No Criteria						34	34.00	No	No	Y	Y	0.19		N	No Criteria	No Criteria	Uc
25	2-Chloroethylvinyl ether	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	0.29		N	No Criteria	No Criteria	Uc
26	Chloroform	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	0.51		N	No Criteria	No Criteria	Uc
27	Dichlorobromomethane	ug/L		0.3							No Criteria	No Criteria	No Criteria	Y	Y				No detected value of B, Step 7		No
28	1,1-Dichloroethane	ug/L		No Criteria						46	46.00	No	No	Y	Y	0.15		N	No Criteria	No Criteria	Uc
29	1,2-Dichloroethane	ug/L		0.28							No Criteria	No Criteria	No Criteria	Y	Y	0.13		N	No detected value of B, Step 7		No
30	1,1-Dichloroethylene	ug/L		0.32						99	99.00	No	No	Y	Y	0.11		N	No detected value of B, Step 7		No
31	1,2-Dichloropropane	ug/L		0.35						3.2	3.200	No	No	Y	Y	0.2		N	No detected value of B, Step 7		No
32	1,3-Dichloropropylene	ug/L		0.33						39	39.00	No	No	Y	Y	0.29		N	No detected value of B, Step 7		No
33	Ethylbenzene	ug/L		0.078						1700	1700	No	No	Y	Y	0.22		N	No detected value of B, Step 7		No
34	Methyl Bromide	ug/L		0.34						29000	29000	No	No	Y	Y	0.14		N	No detected value of B, Step 7		No
35	Methyl Chloride	ug/L		No Criteria						4000	4000	No	No	Y	Y	0.23		N	No detected value of B, Step 7		No
36	Methylene Chloride	ug/L		0.48							No Criteria	No Criteria	No Criteria	N					No Criteria	No Criteria	Uc
37	1,1,2,2-Tetrachloroethane	ug/L		0.19							1600.0	No	No	Y	N		2.5		B<=C, Step 7		No
38	Tetrachloroethylene	ug/L		0.2						11	11.00	No	No	Y	Y	0.14		N	No detected value of B, Step 7		No
39	Toluene	ug/L		0.11						8.85	8.9	No	No	Y	Y	0.2		N	No detected value of B, Step 7		No
40	1,2-Trans-Dichloroethylene	ug/L		0.27						200000	200000	No	No	Y	Y	0.39		N	No detected value of B, Step 7		No
41	1,1,1-Trichloroethane	ug/L		No Criteria						140000	140000	No	No	Y	Y	0.29		N	No detected value of B, Step 7		No
42	1,1,2-Trichloroethane	ug/L		0.3							No Criteria	No Criteria	No Criteria	Y	Y	0.21		N	No Criteria	No Criteria	Uc
43	Trichloroethylene	ug/L		0.26						42	42.0	No	No	Y	Y	0.28		N	No detected value of B, Step 7		No
44	Vinyl Chloride	ug/L		0.26						81	81.0	No	No	Y	Y	0.15		N	No detected value of B, Step 7		No
45	2-Chlorophenol	ug/L		0.5						525	525	No	No	Y	Y	0.2		N	No detected value of B, Step 7		No
46	2,4-Dichlorophenol	ug/L		0.53						400	400	No	No	Y	Y	2.6		N	No detected value of B, Step 7		No
47	2,4-Dimethylphenol	ug/L		0.6						790	790	No	No	Y	Y	2.2		N	No detected value of B, Step 7		No
48	4,6-dinitro-o-resol (aka2-methyl-4,6-Dinitrophenol)	ug/L		1.7						2300	2300	No	No	Y	Y	2.2		N	No detected value of B, Step 7		No
49	2,4-Dinitrophenol	ug/L		1.3						765	765.0	No	No	Y	Y	5.9		N	No detected value of B, Step 7		No
50	2-Nitrophenol	ug/L		No Criteria						14000	14000	No	No	Y	Y	5.8		N	No detected value of B, Step 7		No
51	4-Nitrophenol	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	1.9		N	No Criteria	No Criteria	Uc
52	3-Methyl-4-Chlorophenol (aka P-chloro-m-resol)	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	1.6		N	No Criteria	No Criteria	Uc
53	Pentachlorophenol	ug/L		0.37	7.89	6.05	13.00	7.90			No Criteria	No Criteria	No Criteria	Y	Y	2.1		N	No Criteria	No Criteria	Uc
54	Phenol	ug/L		0.58						8.2	6.05	No	No	Y	Y	6.4		Y	No detected value of B, Step 7		No
55	2,4,6-Trichlorophenol	ug/L		0.61						4600000	4600000	No	No	Y	Y	1.9		N	No detected value of B, Step 7		No
56	Acenaphthene	ug/L		0.7						6.5	6.5	No	No	Y	Y	2.4		N	No detected value of B, Step 7		No
57	Acenaphthylene	ug/L		No Criteria						2700	2700	No	No	Y	Y	0.19		N	No Criteria	No Criteria	Uc
58	Anthracene	ug/L		0.75							No Criteria	No Criteria	No Criteria	Y	Y	0.25		N	No detected value of B, Step 7		No
59	Benzidine	ug/L								110000	110000	No	No	Y	Y	0.011		Y	No detected value of B, Step 7		No
60	Benzo(a)Anthracene	ug/L								0.00054	0.00054			Y	Y	5.6		Y	No detected value of B, Step 7		No
61	Benzo(a)Pyrene	ug/L								0.049	0.0490			Y	Y	0.026		N	No detected value of B, Step 7		No
62	Benzo(b)Fluoranthene	ug/L								0.049	0.0490			Y	Y	0.012		N	No detected value of B, Step 7		No
63	Benzo(ghi)Perylene	ug/L		No Criteria						0.049	0.0490			Y	Y	0.024		N	No detected value of B, Step 7		No
64	Benzo(k)Fluoranthene	ug/L									No Criteria	No Criteria	No Criteria	Y	Y	0.032		N	No Criteria	No Criteria	Uc
65	Bis(2-Chloroethoxy)Methan	ug/L		No Criteria						0.049	0.0490			Y	Y	0.018		N	No detected value of B, Step 7		No
66	Bis(2-Chloroethyl)Ether	ug/L		0.51							No Criteria	No Criteria	No Criteria	Y	Y	1.9		N	No Criteria	No Criteria	Uc
67	Bis(2-Chloroisopropyl)Ether	ug/L		0.76						1.4	1.400	No	No	Y	Y	2.7		Y	No detected value of B, Step 7		No
68	Bis(2-Ethylhexyl)Phthalate	ug/L		0.51						170000	170000	No	No	Y	Y	1.9		N	No detected value of B, Step 7		No
69	4-Bromophenyl Phenyl Eth	ug/L		No Criteria						5.9	5.9	No	No	Y	N		2.2		B<=C, Step 7		No
70	Butylbenzyl Phthalate	ug/L		0.52							No Criteria	No Criteria	No Criteria	Y	Y	2.2		N	No Criteria	No Criteria	Uc
71	2-Chloronaphthalene	ug/L		0.65						5200	5200	No	No	Y	Y	2.9		N	No detected value of B, Step 7		No
72	4-Chlorophenyl Phenyl Eth	ug/L		No Criteria						4300	4300	No	No	Y	Y	2		N	No detected value of B, Step 7		No
73	Chrysene	ug/L									No Criteria	No Criteria	No Criteria	Y	Y	2		N	No Criteria	No Criteria	Uc
74	Dibenzo(a,h)Anthracene	ug/L								0.049	0.0490			Y	Y	0.018		N	No detected value of B, Step 7		No
75	1,2-Dichlorobenzene	ug/L		0.29						0.049	0.0490			Y	Y	0.02		N	No detected value of B, Step 7		No
76	1,3-Dichlorobenzene	ug/L		0.27						17000	17000	No	No	Y	Y	0.15		N	No detected value of B, Step 7		No
										2600	2600	No	No	Y	Y	0.18		N			

Fact Sheet Attachment J
Ultramar, Inc., Olympic Tank Farm
Draft Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CTR#	Parameters	Units	CV	MEC	CTR Water Quality Criteria (ug/L)							REASONABLE POTENTIAL ANALYSIS (RPA)									
					Freshwater		Saltwater		Human Health for consumption of:												
					C acute = CMC tot	C chronic = CCC tot	C acute = CMC tot	C chronic = CCC tot	Water & organisms	Organisms only	Lowest C	MEC >= Lowest C	Tier 1 - Need limit?	B Available (Y/N)?	Are all B data points non-detects (Y/N)?	If all data points ND Enter the min detection limit (MDL)	Enter the pollutant B detected max conc (ug/L)	If all B is ND, is MDL>C?	If B>C, effluent limit required	Tier 3 - other info. ?	RPA Result - Need Limit?
77	1,4-Dichlorobenzene	ug/L		0.28						2600	2600	No	No	Y	Y	0.15		N	No detected value of B, Step 7		No
78	3,3 Dichlorobenzidine	ug/L								0.077	0.08			Y	Y	1.7		Y	No detected value of B, Step 7		No
79	Diethyl Phthalate	ug/L		0.7						120000	120000	No	No	Y	Y	2.2		N	No detected value of B, Step 7		No
80	Dimethyl Phthalate	ug/L		0.65						2900000	2900000	No	No	Y	Y	2.2		N	No detected value of B, Step 7		No
81	Di-n-Butyl Phthalate	ug/L		0.73						12000	12000	No	No	Y	Y	2.1		N	No detected value of B, Step 7		No
82	2,4-Dinitrotoluene	ug/L		0.5						9.10	9.10	No	No	Y	Y	1.9		N	No detected value of B, Step 7		No
83	2,6-Dinitrotoluene	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	2.2		N	No Criteria	No Criteria	Uc
84	Di-n-Octyl Phthalate	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	2.3		N	No Criteria	No Criteria	Uc
85	1,2-Diphenylhydrazine	ug/L		0.19						0.54	0.540	No	No	Y	Y	2.1		Y	No detected value of B, Step 7		No
86	Fluoranthene	ug/L		0.76						370	370	No	No	Y	N		0.053		B<=C, Step 7		No
87	Fluorene	ug/L		0.69						14000	14000	No	No	Y	Y	0.038		N	No detected value of B, Step 7		No
88	Hexachlorobenzene	ug/L								0.00077	0.00077			Y	Y	2.1		Y	No detected value of B, Step 7		No
89	Hexachlorobutadiene	ug/L		0.38						50	50.00	No	No	Y	Y	5.7		N	No detected value of B, Step 7		No
90	Hexachlorocyclopentadiene	ug/L		0.22						17000	17000	No	No	Y	Y	1.8		N	No detected value of B, Step 7		No
91	Hexachloroethane	ug/L		0.49						8.9	8.9	No	No	Y	Y	2.2		N	No detected value of B, Step 7		No
92	Indeno(1,2,3-cd)Pyrene	ug/L								0.049	0.0490			Y	Y	0.012		N	No detected value of B, Step 7		No
93	Isophorone	ug/L		0.62						600	600.0	No	No	Y	Y	2.1		N	No Criteria	No Criteria	Uc
94	Naphthalene	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	0.14		N	No detected value of B, Step 7		No
95	Nitrobenzene	ug/L		0.67						1900	1900	No	No	Y	Y	5.1		N	No detected value of B, Step 7		No
96	N-Nitrosodimethylamine	ug/L		0.55						8.10	8.10000	No	No	Y	Y	2.8		N	No detected value of B, Step 7		No
97	N-Nitrosodi-n-Propylamine	ug/L		0.65						1.40	1.400	No	No	Y	Y	2.4		Y	No detected value of B, Step 7		No
98	N-Nitrosodiphenylamine	ug/L		0.68						16	16.0	No	No	Y	Y	1.9		N	No Criteria	No Criteria	Uc
99	Phenanthrene	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	N		0.021		No Criteria	No Criteria	Uc
100	Pyrene	ug/L		0.68						11000	11000	No	No	Y	Y	0.027		N	No detected value of B, Step 7		No
101	1,2,4-Trichlorobenzene	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	2.1		N	No Criteria	No Criteria	Uc
102	Aldrin	ug/L			3.00		1.30			0.00014	0.00014			Y	Y				No detected value of B, Step 7		No
103	alpha-BHC	ug/L		0.0091						0.013	0.0130	No	No	Y	Y	0.016		N	No detected value of B, Step 7		No
104	beta-BHC	ug/L		0.008						0.046	0.046	No	No	Y	Y	0.026		N	No detected value of B, Step 7		No
105	gamma-BHC	ug/L		0.0091	0.95		0.16			0.063	0.063	No	No	Y	Y	0.032		N	No Criteria	No Criteria	Uc
106	delta-BHC	ug/L		No Criteria							No Criteria	No Criteria	No Criteria	Y	Y	0.17		Y	No detected value of B, Step 7		No
107	Chlordane	ug/L			2.4	0.0043	0.09	0.004		0.00059	0.00059			Y	Y	0.017		Y	No detected value of B, Step 7		No
108	4,4'-DDT	ug/L			1.1	0.001	0.13	0.001		0.00059	0.00059			Y	Y	0.023		Y	No detected value of B, Step 7		No
109	4,4'-DDE (linked to DDT)	ug/L								0.00059	0.00059			Y	Y	0.024		Y	No detected value of B, Step 7		No
110	4,4'-DDD	ug/L								0.00084	0.00084			Y	Y	0.024		Y	No detected value of B, Step 7		No
111	Dieldrin	ug/L			0.24	0.056	0.71	0.0019		0.00014	0.00014			Y	Y	0.01		Y	No detected value of B, Step 7		No
112	alpha-Endosulfan	ug/L		0.005	0.22	0.056	0.034	0.0087		240	0.0087	No	No	Y	Y	0.022		Y	No detected value of B, Step 7		No
113	beta-Endolsulfan	ug/L			0.22	0.056	0.034	0.0087		240	0.0087			Y	Y	0.015		N	No detected value of B, Step 7		No
114	Endosulfan Sulfate	ug/L		0.008						240	240	No	No	Y	Y	0.016		Y	No detected value of B, Step 7		No
115	Endrin	ug/L			0.086	0.036	0.037	0.0023		0.81	0.0023			Y	Y	0.009		N	No detected value of B, Step 7		No
116	Endrin Aldehyde	ug/L		0.005						0.81	0.81	No	No	Y	Y	0.0096		Y	No detected value of B, Step 7		No
117	Heptachlor	ug/L			0.52	0.0038	0.053	0.0036		0.00021	0.00021			Y	Y	0.017		Y	No detected value of B, Step 7		No
118	Heptachlor Epoxide	ug/L			0.52	0.0038	0.053	0.0036		0.00011	0.00011			Y					No detected value of B, Step 7		no
119-125	PCBs sum (2)	ug/L				0.014		0.03		0.00017	0.00017			Y					No detected value of B, Step 7		No
126	Toxaphene	ug/L			0.73	0.0002	0.21	0.0002		0.00075	0.0002			Y	Y	0.61		Y	No detected value of B, Step 7		No

Notes:
Ud = Undetermined due to lack of data
Uc = Undetermined due to lack of CTR Water Quality Criteria
C = Water Quality Criteria
B = Background receiving water data

Fact Sheet Attachment J
Ultramar, Inc., Olympic Tank Farm
Draft Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CTR#	Parameters	Reason	HUMAN HEALTH CALCULATIONS – Organisms only: AMEL hh = ECA = C hh O only	HUMAN HEALTH CALCULATIONS – Organisms only: MDEL/AMEL multiplier	HUMAN HEALTH CALCULATIONS – Organisms only: MDEL hh	AQUATIC LIFE CALCULATIONS – Saltwater / Freshwater / Basin Plan: ECA acute multiplier (p.7)	LTA acute	ECA chronic multiplier	LTA chronic	Lowest LTA	AMEL multiplier 95	AMEL aq life	MDEL multiplier 99	MDEL aq life	LIMITS: Lowest AMEL	Lowest MDEL	Recommendation	Comment
																	No Limit	
1	Antimony	MEC<C & B<=C		2.34		0.24	16.56	0.43	15.36	15.36	1.78	27.40	4.17	63.98816	27.40	63.99		Establish as WQBEL
2	Arsenic	MEC>=C															No Limit	
3	Beryllium	No Criteria															No Limit	
4	Cadmium	MEC<C & B<=C															No Limit	
5a	Chromium (III)	MEC<C & B<=C													2.09	5.78		Establish as WQBEL
5b	Chromium (VI)	MEC<C & B<=C		2.76		0.16	0.94	0.30	1.13	0.94	2.22	2.09	6.12	5.783133	5.66	15.74		Establish as WQBEL
6	Copper	MEC>=C		2.78		0.16	35.46	0.30	2.53	2.53	2.24	5.66	6.23	15.74455	0.051	0.102		Establish as WQBEL
7	Lead	MEC>=C									1.55		3.11		5.03	14.94		Establish as WQBEL
8	Mercury	MEC>=C	0.051	2.01	0.10232						2.55	5.03	7.59	14.93641	4.09	8.21		Establish as WQBEL
9	Nickel	MEC>=C	4600	2.97	13667.64570	0.13	9.85	0.24	1.97	1.97	1.55	4.09	3.11	8.213345			No Limit	
10	Selenium	B>C & pollutant detected in a		2.01		0.32	6.42	0.53	2.64	2.64							No Limit	
11	Silver	MEC<C & B<=C													36.13	95.14		Establish as WQBEL
12	Thallium	MEC<C & B<=C		2.63		0.18	17.53	0.34	29.10	17.53	2.06	36.13	5.43	95.13742			No Limit	
13	Zinc	MEC>=C															No Limit	
14	Cyanide	MEC<C & B is ND															No Limit	
15	Asbestos	No Criteria															No Limit	
16	2,3,7,8 TCDD	No effluent data & B>C															No Limit	
17	Acrolein	MEC<C & B is ND															No Limit	
18	Acrylonitrile	UD; effluent ND, MDL>C, and															No Limit	
19	Benzene	MEC<C & B is ND															No Limit	
20	Bromoform	MEC<C & B is ND															No Limit	
21	Carbon Tetrachloride	MEC<C & B is ND															No Limit	
22	Chlorobenzene	MEC<C & B is ND															No Limit	
23	Chlorodibromomethane	MEC<C & B is ND															No Limit	
24	Chloroethane	No Criteria															No Limit	
25	2-Chloroethylvinyl ether	No Criteria															No Limit	
26	Chloroform	No Criteria															No Limit	
27	Dichlorobromomethane	MEC<C & B is ND															No Limit	
28	1,1-Dichloroethane	No Criteria															No Limit	
29	1,2-Dichloroethane	MEC<C & B is ND															No Limit	
30	1,1-Dichloroethylene	MEC<C & B is ND															No Limit	
31	1,2-Dichloropropane	MEC<C & B is ND															No Limit	
32	1,3-Dichloropropylene	MEC<C & B is ND															No Limit	
33	Ethylbenzene	MEC<C & B is ND															No Limit	
34	Methyl Bromide	MEC<C & B is ND															No Limit	
35	Methyl Chloride	No Criteria															No Limit	
36	Methylene Chloride	MEC<C & B<=C															No Limit	
37	1,1,2,2-Tetrachloroethane	MEC<C & B is ND															No Limit	
38	Tetrachloroethylene	MEC<C & B is ND															No Limit	
39	Toluene	MEC<C & B is ND															No Limit	
40	1,2-Trans-Dichloroethylene	MEC<C & B is ND															No Limit	
41	1,1,1-Trichloroethane	No Criteria															No Limit	
42	1,1,2-Trichloroethane	MEC<C & B is ND															No Limit	
43	Trichloroethylene	MEC<C & B is ND															No Limit	
44	Vinyl Chloride	MEC<C & B is ND															No Limit	
45	2-Chlorophenol	MEC<C & B is ND															No Limit	
46	2,4-Dichlorophenol	MEC<C & B is ND															No Limit	
47	2,4-Dimethylphenol	MEC<C & B is ND															No Limit	
48	4,6-dinitro-o-resol (aka2-methyl-4,6-Dinitrophenol)	MEC<C & B is ND															No Limit	
49	2,4-Dinitrophenol	MEC<C & B is ND															No Limit	
50	2-Nitrophenol	No Criteria																
51	4-Nitrophenol	No Criteria															No Limit	
52	3-Methyl-4-Chlorophenol (aka P-chloro-m-resol)	No Criteria															No Limit	
53	Pentachlorophenol	MEC<C & B is ND															No Limit	
54	Phenol	MEC<C & B is ND															No Limit	
55	2,4,6-Trichlorophenol	MEC<C & B is ND															No Limit	
56	Acenaphthene	MEC<C & B is ND															No Limit	
57	Acenaphthylene	No Criteria															No Limit	
58	Anthracene	MEC<C & B is ND															No Limit	
59	Benzidine	UD; effluent ND, MDL>C, and															No Limit	
60	Benzo(a)Anthracene	UD; effluent ND, MDL>C, and															No Limit	
61	Benzo(a)Pyrene	UD; effluent ND, MDL>C, and															No Limit	
62	Benzo(b)Fluoranthene	UD; effluent ND, MDL>C, and															No Limit	
63	Benzo(ghi)Perylene	No Criteria															No Limit	
64	Benzo(k)Fluoranthene	UD; effluent ND, MDL>C, and															No Limit	
65	Bis(2-Chloroethoxy)Methan	No Criteria															No Limit	
66	Bis(2-Chloroethyl)Ether	MEC<C & B is ND															No Limit	
67	Bis(2-Chloroisopropyl)Ethe	MEC<C & B is ND															No Limit	
68	Bis(2-Ethylhexyl)Phthalate	MEC<C & B<=C															No Limit	
69	4-Bromophenyl Phenyl Eth	No Criteria															No Limit	
70	Butylbenzyl Phthalate	MEC<C & B is ND															No Limit	
71	2-Chloronaphthalene	MEC<C & B is ND															No Limit	
72	4-Chlorophenyl Phenyl Eth	No Criteria															No Limit	
73	Chrysene	UD; effluent ND, MDL>C, and															No Limit	
74	Dibenzo(a,h)Anthracene	UD; effluent ND, MDL>C, and																
75	1,2-Dichlorobenzene	MEC<C & B is ND																
76	1,3-Dichlorobenzene	MEC<C & B is ND																

Fact Sheet Attachment J
Ultramar, Inc., Olympic Tank Farm
Draft Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

			HUMAN HEALTH CALCULATIONS			AQUATIC LIFE CALCULATIONS									LIMITS			
			Organisms only			Saltwater / Freshwater / Basin Plan												
CTR#	Parameters	Reason	AMEL hh = ECA = C hh O only	MDEL/AMEL multiplier	MDEL hh	ECA acute multiplier (p.7)	LTA acute	ECA chronic multiplier	LTA chronic	Lowest LTA	AMEL multiplier 95	AMEL aq life	MDEL multiplier 99	MDEL aq life	Lowest AMEL	Lowest MDEL	Recommendation	Comment
77	1,4-Dichlorobenzene	MEC<C & B is ND															No Limit	
78	3,3 Dichlorobenzidine	UD; effluent ND, MDL>C, and															No Limit	
79	Diethyl Phthalate	MEC<C & B is ND															No Limit	
80	Dimethyl Phthalate	MEC<C & B is ND															No Limit	
81	Di-n-Butyl Phthalate	MEC<C & B is ND															No Limit	
82	2,4-Dinitrotoluene	MEC<C & B is ND															No Limit	
83	2,6-Dinitrotoluene	No Criteria															No Limit	
84	Di-n-Octyl Phthalate	No Criteria															No Limit	
85	1,2-Diphenylhydrazine	MEC<C & B is ND															No Limit	
86	Fluoranthene	MEC<C & B<=C															No Limit	
87	Fluorene	MEC<C & B is ND															No Limit	
88	Hexachlorobenzene	UD; effluent ND, MDL>C, and															No Limit	
89	Hexachlorobutadiene	MEC<C & B is ND															No Limit	
90	Hexachlorocyclopentadiene	MEC<C & B is ND															No Limit	
91	Hexachloroethane	MEC<C & B is ND															No Limit	
92	Indeno(1,2,3-cd)Pyrene	UD; effluent ND, MDL>C, and															No Limit	
93	Isophorone	MEC<C & B is ND															No Limit	
94	Naphthalene	No Criteria															No Limit	
95	Nitrobenzene	MEC<C & B is ND															No Limit	
96	N-Nitrosodimethylamine	MEC<C & B is ND															No Limit	
97	N-Nitrosodi-n-Propylamine	MEC<C & B is ND															No Limit	
98	N-Nitrosodiphenylamine	MEC<C & B is ND															No Limit	
99	Phenanthrene	No Criteria															No Limit	
100	Pyrene	MEC<C & B is ND															No Limit	
101	1,2,4-Trichlorobenzene	No Criteria															No Limit	
102	Aldrin	UD; effluent ND, MDL>C, and															No Limit	
103	alpha-BHC	MEC<C & B is ND															No Limit	
104	beta-BHC	MEC<C & B is ND															No Limit	
105	gamma-BHC	MEC<C & B is ND															No Limit	
106	delta-BHC	No Criteria															No Limit	
107	Chlordane	UD; effluent ND, MDL>C, and															No Limit	
108	4,4'-DDT	UD; effluent ND, MDL>C, and															No Limit	
109	4,4'-DDE (linked to DDT)	UD; effluent ND, MDL>C, and															No Limit	
110	4,4'-DDD	UD; effluent ND, MDL>C, and															No Limit	
111	Dieldrin	MEC<C & B is ND															No Limit	
112	alpha-Endosulfan	UD; effluent ND, MDL>C, and															No Limit	
113	beta-Endolsulfan	MEC<C & B is ND,															No Limit	
114	Endosulfan Sulfate	UD; effluent ND, MDL>C, and															No Limit	
115	Endrin	MEC<C & B is ND															No Limit	
116	Endrin Aldehyde	UD; effluent ND, MDL>C, and															No Limit	
117	Heptachlor	UD; effluent ND, MDL>C, and															No Limit	
118	Heptachlor Epoxide	ud; effluent ND, MDL>C & B<															No Limit	
119-125	PCBs sum (2)	UD; effluent ND, MDL>C, and																
126	Toxaphene																	

Notes:
Ud = Undetermined due to lack of data
Uc = Undetermined due to lack of CTR
C = Water Quality Criteria
B = Background receiving water data

EXHIBIT 2

ULTRAMAR OLYMPIC TANK FARM

1220 North Alameda Street
Wilmington, CA 90749
NPDES Permit No. CA0057568, Compliance File No. 6211

Annual Summary - 2003

EFFLUENT DISCHARGE MONITORING DATA

CONSTITUENTS	DISCHARGE LIMITS	Detection Limits	12-Feb-03	25-Feb-03	15-Mar-03	3-May-03
pH	6.0-9.0		8.00	6.74	6.21	7.02
Phenolics,mg/l	1.0		<.1	<.10	<.10	<.1
Oil and Grease, mg/l	15.0		2.2	<1.0	1.0	<1.0
Surfactants (mg/L)	0.5		0.18	0.12	<.10	<.10
Arsenic (mg/L)	----	0.01	0.05520	0.03700	NA	0.06110
Berylium (mg/L)	----	0.0001	0.00161	0.000579	NA	<.001
Cadmium (mg/L)	----	0.002	<.002	<.002	NA	<.002
Chromium (VI) (mg/L)	----	0.0002	0.00058	0.00057	NA	0.00016
Total Chromium (mg/L)	----	0.005	0.081300	0.01600	NA	0.00768
Copper (mg/L)	----	0.005	0.13100	0.02830	NA	0.0154
Lead (mg/L)	----	0.005	1.07000	0.15700	NA	0.1680
Mercury (mg/L)	----	0.0002	0.00134	<.0002	NA	<.0002
Nickel (mg/L)	----	0.005	0.07270	0.01350	NA	0.00764
Zinc (mg/L)	----	0.005	0.74400	0.22100	NA	0.360

NOTES:

NA- Not analyzed

ULTRAMAR OLYMPIC TANK FARM

1220 North Alameda Street

Wilmington, CA 90749

NPDES Permit No. CA0057568, Compliance File No. 6211

ANNUAL SUMMARY REPORT 2004

EFFLUENT DISCHARGE MONITORING DATA

CONSTITUENTS	DISCHARGE LIMITS	Detection Limits	2-Jan-04	23-Feb-04	2-Mar-04	20-Oct-04	27-Oct-04	6-Dec-04	28-Dec-04
Phenolics (mg/l)	1.0		<0.1	<0.1	<0.1	<0.10	<0.10	<0.10	<0.10
Oil and Grease (mg/l)	10		NA*	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
Fish Toxicity, % Survival	90%		100%	NR	NR	100%	NR	NR	NR
Total Suspended Solids (mg/L)	50		15	160	51	32	<10	27	32
Turbidity (NTU)	50		33	91	66	56	4	47	92
Settleable Solids (MI/L)	0.1		<0.1	<0.1	<0.1	<0.10	<0.10	<0.10	<0.10
BOD 20 C (Mg/L)	20.0		4.1	4.3	2.2	2.6	<2.0	3.2	3.4
Sulfides (Mg/L)	1.0		<0.1	<0.1	<0.1	<0.10	<0.10	<0.10	<0.10
pH	6.5-8.5		7.65	7.90	8.03	7.12	6.67	6.88	7.25
Temperature (F)	-------					66.00	66.00	55.00	50.00
Specific Conductance	1.0		260	200	130	86	68	110	270
Surfactants (MBAS)	0.5		0.63	NR	NR	0.2	0.28	0.18	<0.1
Total Organic Carbon (mg/L)	1.0		10	8.4	5.4	8.9	7.7	8.6	5.6
Dissolved Oxygen (mg/L)	2.0		5.3	8.1	4.7	5.2	3.5	6.6	6.2
Ammonia (mg/l)	0.5		<0.5	<0.5	<0.5	<0.5	<0.5	0.99	<0.5
Arsenic (ug/L)	1.0		23.0	15.0	13.00	16.0	1.1	1.70	11.00
Cadmium (ug/l)	1.0		<1.0	<1.0	<1.0	<1.0	3.0	<1.0	<1.0
Chromium (VI) (ug/L)	0.025		<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025
Total Chromium (ug/L)	1.0		2.4	4.5	4.60	3.9	1.3	6.40	7.10
Copper (ug/L)	2.0		12.0	18.0	13.00	13.0	19.0	29.00	13.00
Lead (ug/L)	1.0		46.0	160.0	100.00	320.0	9.5	54.00	5.90
Mercury (mg/L)	0.0002		<.0002	<.0002	<.0002	<0.0002	<0.0002	<0.0002	<0.0002
Nickel (ug/L)	1.0		3.5	5.7	5.00	3.5	2.9	10.00	5.00
Selenium (ug/l)	2.0		<2.0	<2.0	<2.0	<2.0	<2.0	3.10	<2.0
Zinc (ug/L)	20.0		52.0	90.0	54.00	88.0	1100.0	1200.00	650

NOTES:

NA- Not analyzed - Offsite Laboratory Error

NR - Not Required to be analyzed

ULTRAMAR OLYMPIC TANK FARM

1220 North Alameda Street
Wilmington, CA 90749
NPDES Permit No. CA0057568, Compliance File No. 6211

Annual Summary Report 2005

EFFLUENT DISCHARGE MONITORING DATA

CONSTITUENTS	DISCHARGE LIMITS	Detection Limits	7-Jan-05	10-Jan-05	12-Feb-05	19-Feb-05
Phenolics (mg/l)	1.0		<0.1	<0.1	<0.1	<0.1
Oil and Grease (mg/l)	10		<5.0	7.00	<5.0	<5.0
Fish Toxicity, % Survival	90%		NR	NR	NR	NR
Total Suspended Solids (mg/L)	50		18	14	46	240
Turbidity (NTU)	50		45	58	99	600
Settleable Solids (Ml/L)	0.1		<0.1	<0.1	<0.1	<0.1
BOD 20 C (Mg/L)	20.0		2.2	<2.0	2.3	<2.0
Sulfides (Mg/L)	1.0		<0.1	<0.1	<0.1	<0.1
pH	6.5-8.5		7.51	7.19	6.85	7.22
Hardness (mg/l)	-------		27.00	NR	NR	NR
Specific Conductance	-------	1.0	110	39	95	74
Surfactants (MBAS)	-------	<0.1	<0.1	<0.1	<0.1	<0.1
Total Organic Carbon (mg/L)	-------	1.0	3.4	1.1	3.7	2.2
Dissolved Oxygen (mg/L)	-------	1.0	8.6	7.3	7.9	4.8
Arsenic (ug/L)	-------	1.0	45	12	15	22.00
Chromium (VI) (ug/L)	-------	0.025	<0.025	<0.025	<0.025	<0.025
Total Chromium (ug/L)	-------	1.0	3.9	3.8	9.40	26.00
Copper (ug/L)	-------	1.0	11.0	6.4	18.00	28.00
Lead (ug/L)	-------	1.0	64.0	500.0	210.00	62.00
Mercury (mg/L)	-------	<.0002	<.0002	<.0002	<.0002	<.0002
Nickel (ug/L)	-------	1.0	3.2	2.2	10.00	33.00
Zinc (ug/L)	-------	10.0	43.0	92.0	120.00	150.00

NOTES:

NA- Not analyzed - Offsite Laboratory Error
NR - Not Required to be analyzed

EXHIBIT 3

PEREMPTORY WRIT OF MANDATE ISSUED ON 11/10/2008

EDMUND G. BROWN JR., Attorney General
of the State of California
RICHARD MAGASIN,
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STATE WATER RESOURCES CONTROL BOARD
and CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, LOS ANGELES REGION

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF ORANGE , CENTRAL JUSTICE CENTER

THE CITIES OF ARCADIA, BELLFLOWER, CARSON, CERRITOS, CLAREMONT, COMMERCE, DOWNEY, DUARTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, IRWINDALE, LAWNDALE, MONTEREY PARK, PARAMOUNT, SANTA FE SPRINGS, SIGNAL HILL, VERNON, WALNUT, WEST COVINA, and WHITTIER, municipal corporations, and BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION, a non-profit corporation,

Petitioners/Plaintiffs,

vs.

THE STATE WATER RESOURCES CONTROL BOARD; and THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, and DOES 1 through 50, inclusive,

Respondents/Defendants.

vs.

NATURAL RESOURCES DEFENSE COUNCIL, INC.; HEAL THE BAY; and SANTA MONICA BAYKEEPER

Intervenors.

Case No. 06CC02974
Honorable Thierry Patrick Colaw
Dept: CX-104

~~[Proposed]~~ JUDGMENT

This matter came on regularly for hearing and trial at 10:00 a.m. on February 27, 2008, in Department CX-104 of the above entitled court, the Honorable Thierry Patrick Colaw, presiding. Richard Montevideo and Peter J. Howell of Rutan & Tucker, LLP appeared on behalf of Petitioners and Plaintiffs, the Cities of Arcadia, Bellflower, Carson, Cerritos, Claremont, Commerce, Downey, Duarte, Glendora, Hawaiian Gardens, Irwindale, Lawndale, Monterey Park, Paramount, Santa Fe Springs, Signal Hill, Vernon, and Whittier, and the Building Industry Legal Defense Foundation (collectively "Petitioners"). Jennifer F. Novak and Michael W. Hughes of the California Attorney General's Office appeared on behalf of Respondents and Defendants, the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region (collectively "Respondents"). The Petition/Complaint as filed also included as Petitioners and Plaintiffs the Cities of Gardena, Walnut and West Covina, but these cities had previously separately voluntarily dismissed their claims without prejudice.

The matter having been extensively briefed, and the Court having reviewed the administrative record of Respondents' proceedings in this matter, along with the pleadings, the briefs submitted by counsel and the judicially noticed materials, having considered the oral arguments of counsel and having issued its Notice of Ruling/Decision on March 13, 2008, and the Court having previously signed a judgment on July 2, 2008 which it vacated on August 28, 2008 with orders for Respondents to prepare a revised judgment,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Judgment is hereby entered in favor of Petitioners and against Respondents on the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief.

2. A Peremptory Writ of Mandate shall issue under the seal of this Court commanding the Respondents, and their board members, officers, agents, attorneys,

employees, and persons and entities acting on behalf of, or through color of the authority of said Respondents, in accordance with each Respondent's respective obligations under the law:

(a) to void and set aside Los Angeles Regional Water Quality Control Board Resolution No. 2005-003, dated March 3, 2005, wherein the 2004 Triennial Review of the Water Quality Control Plan for the Los Angeles Region ("Basin Plan") was concluded;

(b) during the course of the reopened 2004 Triennial Review, or if Respondents determine not to reopen the 2004 Triennial Review, then during the course of the next scheduled triennial review: (i) to review and, where appropriate, revise the Water Quality Standards ("Standards")[1] in the Basin Plan, which apply or are to be applied to storm water and urban runoff (collectively "Stormwater"),[2] in light of the factors and requirements set forth under Water Code sections 13241 and 13000, including, but not limited to, the specific factors set forth under Water Code sections 13241(a) – (f), and the considerations provided under Water Code section 13000; (ii) to revise the Standards that apply or are to be applied to Stormwater, such that no *"potential" use designations for such Standards remain in the Basin Plan; and* (iii) to revise the Standards, as appropriate, during the Triennial Review process, after a full and fair public hearing or hearings, and before concluding the triennial review.

3. The Court hereby finds and declares that it is contrary to law to base Water Quality Standards on "potential" beneficial uses, as such a practice is contrary

[1] As referenced herein, the term "Water Quality Standards" or "Standards" shall mean the designated beneficial uses of the waters, as well as the water quality objectives established to achieve such designated beneficial uses.

[2] Federal law defines "storm water" to include urban runoff, *i.e.*, "surface runoff and drainage." (*See* 40 C.F.R. § 122.26(b)(13).)

to the clear and specific requirement set forth in Water Code section 13241(a) (which requires the consideration of "probable future beneficial uses" when establishing Standards), and as such practice is inconsistent with Water Code section 13000 (which requires a consideration of the "demands being made and to be made" on state waters).

4. The Court, having reviewed the applicable provisions of State and federal law governing the triennial review process to be followed when reviewing and revising Standards (*see* 33 U.S.C. § 1313(c)(1) and Cal. Water Code §§ 13143 and 13240), hereby further declares that a public hearing is to be conducted as a part of the triennial review process, and that such public hearing is to be conducted for the express purpose of reviewing and, as appropriate, modifying the Standards or adopting new Standards. (*See* 33 U.S.C. § 1313(c)(1).) The Court declares that, under applicable State and federal law, the triennial review process is *not* to be concluded until such time as the need for appropriate modifications to the Standards has been considered, and until such time as actual modifications, where appropriate, have been made to the Standards or determined not to be made.

5. Petitioners are awarded their costs of suit incurred.

Dated: 10 November, 2008

The Honorable Thierry Patrick Colaw
Judge of the Superior Court of California

RESPECTFULLY SUBMITTED BY:

By: _____
Jennifer F. Novak
Attorney for Respondents/Defendants

EXHIBIT 4

PEREMPTORY WRIT OF MANDATE ISSUED ON 7/2/08

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Attorneys for Petitioners

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF ORANGE , CENTRAL JUSTICE CENTER

THE CITIES OF ARCADIA, BELLFLOWER, CARSON, CERRITOS, CLAREMONT, COMMERCE, DOWNEY, DUARTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, IRWINDALE, LAWNDALE, MONTEREY PARK, PARAMOUNT, SANTA FE SPRINGS, SIGNAL HILL, VERNON, WALNUT, WEST COVINA, and WHITTIER, municipal corporations, and BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION, a non-profit corporation,

Petitioners/Plaintiffs,

vs.

THE STATE WATER RESOURCES CONTROL BOARD; and THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION,

Respondents/Defendants.

Case No. 06CC02974
Honorable Thierry Patrick Colaw
Dept: CX-104

JUDGMENT

This matter came on regularly for hearing and trial at 10:00 a.m. on February 27, 2008, in Department CX-104 of the above entitled court, the Honorable Thierry Patrick Colaw, presiding. Richard Montevideo and Peter J. Howell of Rutan & Tucker, LLP appeared on behalf of Petitioners and Plaintiffs, the Cities of Arcadia,

Bellflower, Carson, Cerritos, Claremont, Commerce, Downey, Duarte, Glendora, Hawaiian Gardens, Irwindale, Lawndale, Monterey Park, Paramount, Santa Fe Springs, Signal Hill, Vernon, and Whittier, and the Building Industry Legal Defense Foundation (collectively "Petitioners"). Jennifer F. Novak and Michael W. Hughes of the California Attorney General's Office appeared on behalf of Respondents and Defendants, the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region (collectively "Respondents"). The Petition/Complaint as filed also included as Petitioners and Plaintiffs the Cities of Gardena, Walnut and West Covina, but these cities had previously separately voluntarily dismissed their claims without prejudice.

The matter having been extensively briefed, and the Court having reviewed the administrative record of Respondents' proceedings in this matter, along with the pleadings, the briefs submitted by counsel and the judicially noticed materials, having considered the oral arguments of counsel and having issued its Notice of Ruling/Decision on March 13, 2008,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Judgment is hereby entered in favor of Petitioners and against Respondents on the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief.

2. A Peremptory Writ of Mandate shall issue under the seal of this Court commanding the Respondents, and their board members, officers, agents, attorneys, employees, and persons and entities acting on behalf of, or through color of the authority of said Respondents, in accordance with each Respondent's respective obligations under the law:

(a) to void and set aside Los Angeles Regional Water Quality Control Board Resolution No. 2005-003, dated March 3, 2005, wherein the 2004 Triennial Review of the Water Quality Control Plan for the Los Angeles Region ("Basin Plan") was concluded;

(b) during the course of the reopened 2004 Triennial Review, or if Respondents determine not to reopen the 2004 Triennial Review, then during the course of the next scheduled triennial review: (i) to review and, where appropriate, revise the Water Quality Standards ("Standards")[1] in the Basin Plan, which apply or are to be applied to storm water and urban runoff (collectively "Stormwater"),[2] in light of the factors and requirements set forth under Water Code sections 13241 and 13000, including, but not limited to, the specific factors set forth under Water Code sections 13241(a) – (f), and the considerations provided under Water Code section 13000; (ii) to revise the Standards that apply or are to be applied to Stormwater, such that no "potential" use designations for such Standards remain in the Basin Plan; and (iii) to revise the Standards, as appropriate, during the Triennial Review process, after a full and fair public hearing or hearings, and before concluding the triennial review.

(c) to cease, desist, and suspend all activities relating to the implementation, application, and/or enforcement of all Standards in the Basin Plan established to achieve "potential" beneficial uses, as applied or to be applied to Stormwater, whether through Total Maximum Daily Loads ("TMDLs") or other Basin Plan amendments or regulations, or through National Pollutant Discharge Elimination System ("NPDES") permits, water quality policies or otherwise; and

(d) to cease, desist, and suspend all activities relating to the implementation, application, and/or enforcement of the Standards in the Basin Plan, as applied or to be applied to Stormwater, whether through TMDLs or

[1] As referenced herein, the term "Water Quality Standards" or "Standards" shall mean the designated beneficial uses of the waters, as well as the water quality objectives established to achieve such designated beneficial uses.

[2] Federal law defines "storm water" to include urban runoff, *i.e.*, "surface runoff and drainage." (*See* 40 C.F.R. § 122.26(b)(13).)

other Basin Plan amendments or regulations, or through NPDES permits, water quality policies or otherwise, until such time as Respondents have reviewed and, where appropriate, revised the Standards in light of the factors and requirements provided under Water Code sections 13241 and 13000, including, but not limited to, the specific factors set forth under Water Code subsections 13241(a)-(f) (*e.g.*, requiring that the Standards be developed to achieve water quality conditions "that could reasonably be achieved," and after a consideration of the "economic" impacts on the dischargers, as well as after a consideration of the other factors referenced in Water Code section 13241), and in light of the considerations required under Water Code section 13000 (requiring the regulation of state waters "to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible"). Nothing contained in this Paragraph 2(d) shall prevent the enforcement of any term or provision in an NPDES Stormwater permit, except to the extent such term or provision is used or designed to implement or enforce (i) any element of a TMDL or (ii) any numeric limit that may be included in any such NPDES permit as a means of enforcing a Standard outside of the TMDL process.

3. The Court hereby finds and declares that it is contrary to law to base Water Quality Standards on "potential" beneficial uses, as such a practice is contrary to the clear and specific requirement set forth in Water Code section 13241(a) (which requires the consideration of "probable future beneficial uses" when establishing Standards), and as such practice is inconsistent with Water Code section 13000 (which requires a consideration of the "demands being made and to be made" on state waters). All Standards which apply or are to be applied to Stormwater and established to achieve "potential" beneficial use designations, are hereby declared to be void and shall have no further force or effect.

4. The Court, having reviewed the applicable provisions of State and federal law governing the triennial review process to be followed when reviewing and revising Standards (*see* 33 U.S.C. § 1313(c)(1) and Cal. Water Code §§ 13143 and 13240), hereby further declares that a public hearing is to be conducted as a part of the triennial review process, and that such public hearing is to be conducted for the express purpose of reviewing and, as appropriate, modifying the Standards or adopting new Standards. (*See* 33 U.S.C. § 1313(c)(1).) The Court declares that, under applicable State and federal law, the triennial review process is *not* to be concluded until such time as the need for appropriate modifications to the Standards has been considered, and until such time as actual modifications, where appropriate, have been made to the Standards or determined not to be made.

5. Petitioners are awarded their costs of suit incurred.

Dated: 2 July, 2008

Thierry Patrick Colaw
The Honorable Thierry Patrick Colaw
Judge of the Superior Court of California

RESPECTFULLY SUBMITTED BY:

RUTAN & TUCKER, LLP

By: _____
Richard Montevideo
Attorney for Petitioners/Plaintiffs

EXHIBIT 5

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

MINUTE ORDER

Date: 08/28/2008 Time: 11:39:13 AM Dept: CX104

Judicial Officer Presiding: Judge Thierry Patrick Colaw
Clerk: P. Rief

Bailiff/Court Attendant: Allison Hreha

Reporter: None

Case Init. Date: 02/09/2006

Case No: 06CC02874 Case Title: CITIES OF ARCADIA VS STATE WATER RESOURCES CONTROL BOARD

Case Category: Civil - Unlimited Case Type: Judicial Review - Other

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Event Type: Chambers Work

Causal Document & Date Filed:

Appearances:

MOTION FOR NEW TRIAL BY RESPONDENTS STATE WATER RESOURCES CONTROL BOARD AND CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

There are no appearances by any party.

The Court, having taken the above-entitled matter under submission on August 26, 2008 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

See attached ruling.

Court orders clerk to give notice.

THE CITIES OF ARCADIA, BELLFLOWER CARSON, CERRITOS, CLAREMONT, COMMERCE, DOWNEY, DUARTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, IRWINDALE, LAWNDALE, MONTEREY PARK, PARAMOUNT, SANTE FE SPRINGS, SIGNAL HILL, VERNON, WALNUT, WEST COVINA, and WHITTIER, municipal corporations, and BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION, a non-profit corporation,

Petitioner Plaintiffs

vs.

THE STATE WATER RESOURCES CONTROL BOARD; and THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, etc., *et alia*,

Respondent Defendants

ORANGE COUNTY SUPERIOR COURT
CASE NO. 06CC02974

NOTICE OF RULING

1. The Court rules on the Motion by Respondents for a New Trial as follows:

A. The Motion for New Trial under C.C.P. § 657 is denied.

(1) The Petitioners' objections to the declarations of Ms. Purdy, Ms. Egoscue, and Ms. Novak are sustained.

(2) The Respondents' request for judicial notice is granted for purposes of this motion only.

B. The Court is concerned about whether to leave the challenged Standards in effect during reenactment of the deliberative process of the next scheduled triennial review or a reopened triennial review. Ordinarily, one would expect that a failure to comply with Water Code § 13000/13241 requirements would invalidate Standards that do not comply with the law. The Court is reluctant to so rule now under the circumstances of this case. The Court is concerned about unintended consequences which cannot be predicted and which may result from immediate halting of all implementation, application and/or enforcement of the Standards in the Basin Plan as applied or to be applied to Stormwater, even with the recent modifications made to the Court's Writ on 1 August 2008.

As aptly stated in *Western Oil and Gas Ass'n v. U.S. EPA* (9th Cir.1980) 633 F.2d 803, 813, "Our intervention into the process of environmental regulation, a process of great complexity, should be accomplished with as little intrusiveness as feasible."

C. Accordingly, pursuant to C.C.P. § 662 the Court vacates the judgment and writ filed on 2 July 2008 in the interests of justice, and a new judgment will be entered that follows the "remand without vacatur" procedure, i.e. that allows Respondents to use the Standards pending review by Respondents, Intervenors, or Petitioners.

D. Respondents shall prepare an amended judgment and writ consistent with this Order within ten (10) days of this Order. The amended writ should essentially remain in the form of the 2 July 2008 writ, however, the provisions of paragraphs (3) & (4) shall be excised in conformance with this nature and intent of this Order. Appropriate modifications to the judgment at paragraphs 2. (c), (d), and the last sentence of paragraph 3. should be made.

2. The Clerk shall give Notice as soon as possible and in any event before 29 August 2008

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

CITY OF ARCADIA, et al. Plaintiff(s) v. STATE WATER RESOURCES CONTROL BOARD, et al. Defendant(s)	CASE NUMBER: 06CC02974 CERTIFICATE OF SERVICE BY MAIL OF MINUTE ORDER, DATED 8-28-08

I, ALAN SLATER, Executive Officer and Clerk of the Superior Court, in and for the County of Orange, State of California, hereby certify; that I am not a party to the within action or proceeding; that on 8-28-08, I served the Minute Order, dated 8-28-08, on each of the parties herein named by depositing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Postal Service mail box at Santa Ana, California addressed as follows:

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Peter J. Howell, Esq.
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Office of Chief Counsel
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ALAN SLATER,
Executive Officer and Clerk of the Superior Court
In and for the County of Orange

DATED: 8-28-08

By: _____
P. Rief, Deputy Clerk

CERTIFICATE OF SERVICE BY MAIL